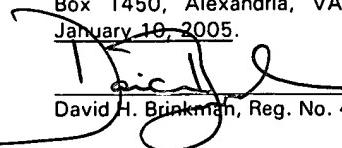


IFW



CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on January 10, 2005.

 David H. Brinkman, Reg. No. 40,532

1/10/05  
Date

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Kazuyoshi Sotoyama et al.  
Serial No.: 10/709,674  
Filed: May 21, 2004  
Examiner: Unknown  
Group Art Unit: 1761  
Confirmation No.: 3673  
Title: **BIFIDOBACTERIUM LONGUM**  
Our Ref.: SHG-030P2

Cincinnati, Ohio 45202

January 10, 2005

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

SECOND SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

In accordance with the duty of candor and good faith imposed by 37 C.F.R. §1.56 and means of complying therewith according to 37 C.F.R. §§1.97 and 1.98, the references listed on the attached Form PTO-1449 are called to the attention of the United States Patent and Trademark Office in connection with the above-identified patent application. Copies of the cited references, including the

cited Supplementary European Search Report, are enclosed herewith. U.S. Patent No. 5,711,977 issued to Yang et al., U.S. Patent No. 6,306,638 issued to Yang et al. and JP 58-224685 (Abstract Only) are previously of record as they were cited by Applicants in the above-identified application on August 12, 2004. The cited Supplementary European Search Report issued in a European patent application corresponding to the above-referenced U.S. patent application.

**Certification under 37 C.F.R. § 1.704(d)**

Each item contained in this information disclosure statement was cited in a communication from a foreign patent office in a counterpart application and was not received by any person designated in § 1.56(c) more than thirty days prior to the filing of the information disclosure statement. Applicants submit herewith a transmission letter from J. A. Kemp & Co. to Shiga International Patent Office bearing a date-of-receipt stamp of January 5, 2005.

No representation is made that the cited art is the only art or that the cited art represents the best art.

The Examiner is urged to consider all of the cited documents and to make an independent evaluation of the teachings and materiality of each.

Applicants do not believe that this response requires that any fees be submitted, however, if any fees are deemed necessary, these may be charged to Deposit Account No. 23-3000.

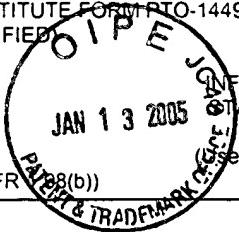
Respectfully submitted,

WOOD, HERRON & EVANS, L.L.P.

BY   
David H. Brinkman  
Reg. No. 40,532

2700 Carew Tower  
441 Vine Street  
Cincinnati, OH 45202  
(513) 241-2324 - Voice  
(513) 421-7269 - Facsimile

SUBSTITUTE FORM PTO-1449 (MODIFIED)	U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE	ATTY. DOCKET NO. SHG/030P2	SERIAL NO. 10/709,674
INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(Use several sheets if necessary)</i> (37 CFR 1.88(b))		APPLICANT Kazuyoshi Sotoyama et al.	
		FILING DATE May 21, 2004	GROUP 1761



## U.S. PATENT DOCUMENTS

EXAMINER INITIAL		PATENT NUMBER	ISSUE DATE	PATENTEE	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	A.A						
	A.B						
	A.C						
	A.D						
	A.E						
	A.F						
	A.G						
	A.H						
	A.I						
	A.J						
	A.K						

## FOREIGN PATENTS OR PUBLISHED FOREIGN PATENT APPLICATIONS

		DOCUMENT NUMBER	PUBLICATION DATE	COUNTRY OR PATENT OFFICE	CLASS	SUBCLASS	TRANSLATION (YES/NO)
	A.L	WO 00/42168	07/20/00	WIPO	C12N	1/20	Yes
	A.M						
	A.N						
	A.O						
	A.P						
	A.Q						

## OTHER DOCUMENTS (Including Author, Title, Date, Place of Publication)

	A.R	European Patent Office, <u>Supplementary European Search Report and Date Stamped Letter</u> , Dated 11/24/04 (4 pages)
	A.S	J. H. Martin and K. M. Chou, <u>Selection of Bifidobacteria for Use as Dietary Adjuncts in Cultured Dairy Foods: I - Tolerance to pH of Yogurt</u> , Cultured Dairy Products Journal, November, 1992, pp. 21-26
	A.T	

EXAMINER	DATE CONSIDERED

EXAMINER: Initial if citation considered, whether or not in conformance. Draw line through citation only if not in conformance and not considered. Include a copy of this form with next communication to applicant.